



CLARK COUNTY
PUBLIC WORKS

Clean Water Program



Clark County Clean Water Commission 2005 Annual Report

to the
**Clark County
Board of County Commissioners**



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On behalf of the Clark County Clean Water Commission, I approve the 2005 Annual Report to the Board of Clark County Commissioners.

Clean Water Commission Chair

Date

Executive Summary

This report provides the Clark County Board of Commissioners (BOCC) an overview of work efforts performed by the Clark County Clean Water Commission (CWC) in 2005. This document begins by listing the topics covered in 2005, including those regarding capital improvements, public outreach, low impact development, and others. Subsequent sections provide more detail on the status of the incentive program, a summary of public comments, and observations on the Clean Water Program's 2005 expenditures.

As specified in the County ordinance that formed the CWC, its members held a work session to assess the effectiveness of the Clean Water Program during 2005. Two sets of information resulted from this discussion.

First, CWC members ranked the individual activities and overall program on their effectiveness in using the Clean Water Fee revenue to complete their work. On a scale of *Very Good* to *Very Bad*, the CWC members gave the overall program a *Good* rank. Education and Technical Assistance efforts received the highest marks (*Very Good*), while Engineering/Capital Improvement work ranked the lowest of the individual functional areas of the Clean Water Program (*Average*).

Second, CWC members identified strengths and areas of improvement that County staff could use to refine their activities. A summary of these comments is provided in Appendix A.

In an effort to help guide the actions of this advisory group during 2006, the CWC voted to focus on the following issues:

- Participate in Selection and Ranking of Capital Improvements
- Examine the Water Resources Education & Outreach Program
- Promote Low Impact Development
- Research Stormwater Filter Vaults and other Stormwater Facilities
- Investigate the Impact of Septic Tanks

Given this information, the CWC makes the following recommendations for your consideration during the 2006 calendar year:

- Become informed about how low impact development (LID) facilities address stormwater issues. In addition, work with County staff to identify methods to encourage LID on public and private lands.
- When the new NPDES permit is finalized, provide direction to the Clean Water Commission on how to assist the County in addressing new provisions.
- Attend at least one Clean Water Commission in 2006 to share your priorities regarding clean water issues and to hear current issues this advisory board is addressing.

Table of Contents

Executive Summary	i
Introduction.....	1
Role of Clark County Clean Water Commission.....	1
Review of 2005 Action Plan Accomplishments	2
Evaluation of Clean Water Program Effectiveness	3
Summary of Clean Water Program Revenue.....	4
Status of Incentive Program.....	6
Summary of Public Comments	6
2006 Action Plan.....	7
Recommendations to the Board of County Commissioners	8
Appendix A: Program Evaluation.....	9
Appendix B: Public Telephone Responses to the Clean Water Fee	13
Appendix C: Log of Public Comments at Clean Water Commission Meetings in 2005	14

Introduction

This report provides the Clark County Board of Commissioners (BOCC) an overview of work efforts performed by the Clark County Clean Water Commission (CWC) in 2005. The report focuses on the role of the Clean Water Commission, its accomplishments, observations, and activities it plans to undertake in 2006. Information regarding the County's 2005 expenditures for the Clean Water Program and its overall effectiveness is also included. The report concludes with a short list of recommendations to the BOCC.

Role of Clark County Clean Water Commission

The nine-member Clean Water Commission serves as an advisory board to the Board of Clark County Commissioners (BOCC) on matters relating to surface and storm water.

The CWC was created by Ordinance 13.30A.040 in 1999. The full text of the ordinance, as well as the Commission's Bylaws and Annual Reports from 2000 forward, can be found on its web page at <http://www.clark.wa.gov/water-resources/commission/index.html>.

The CWC comes together monthly in meetings that are open to the public to receive information provided to them by staff of the Clean Water Program, by invited speakers, and by the public at-large. The Commission's role is to consider that information and to make recommendations to the BOCC that it believes to be in the best interests of the environment and of citizens of Clark County, impartially, objectively, fairly, and free of entangling influences, financial or other.

These recommendations could relate to stormwater fees, capital improvement projects, stormwater facilities and maintenance, education and outreach programs, and any other matters relating to compliance with the National Pollutant Discharge Elimination System (NPDES) permit.

Our responsibility, as we see it, is to serve as a linkage between the Clean Water Program staff, the BOCC, and the public, all of us working together for a liveable Clark County.

Review of 2005 Action Plan Accomplishments

The Clean Water Commission 2005 Action Plan resulted in several activities:

1. Enhance public education and awareness about the program to support the need to protect local waters from pollutants.
 - Individual Commissioners made presentations to local chambers of commerce describing the Clean Water Program.
 - Hosted booths at the Clark County Fair, Clark County Home and Garden Expo, and others.
2. Implement a low impact development (LID) program to minimize runoff where applicable.
 - Held several discussions with County Public Works and ESA staff to learn more about LID practices and how they might be adopted in Clark County.
 - In July 2005, Commissioner Stubbs and Peter Capell, Public Works Director / County Engineer, sent a letter to the Business Industry Association requesting submittals from their members to partner with the County on pilot LID projects. No viable proposals were offered as a result of this effort.
3. Continue participation in the selection of capital improvements that support the protection of good water bodies and rehabilitation of poor water bodies.
 - Commissioners Owen and Crawford attended several meetings with County Public Works staff to begin identifying and weighing selection criteria for proposed capital improvement projects. This process continues in 2006 as the Stormwater Capital Improvement Program Involvement Team (SCIPIT).
4. Address and resolve water quality concerns as identified.
 - County staff updated the Commission on education and enforcement activities by the County, both alone and in cooperation with the Washington State Department of Ecology.
5. Explore Clean Water Fee incentives and other administrative/regulatory avenues to further reduce threats from, and treatment of, stormwater pollution at its source.
 - No action was taken on this topic.
6. Continue providing input on upcoming regulatory initiatives such as the Western Washington NPDES municipal stormwater permit and the East Fork Lewis River temperature and bacteria TMDL.
 - County staff provided periodic updates on the NPDES permit renewal process.
 - County staff described their involvement with Department of Ecology to establish a TMDL along the East Fork of the Lewis River.

Evaluation of Clean Water Program Effectiveness

Members of the CWC held a work session to assess the effectiveness of the Clean Water Program during 2005. Two sets of information resulted from this discussion.

First, Commissioners ranked the six program areas and the overall program on effectiveness in using Clean Water Fee revenue to complete their work. The scores are depicted in Table 1. The Commission gave the overall program a *Good* score. Education and Technical Assistance efforts received the highest marks (*Very Good*), while Engineering/ Capital Improvement work ranked the lowest of the program areas of the Clean Water Program (*Average*).

Second, CWC members identified areas of strengths and weaknesses that County staff could use to refine their activities. The full list of these observations and suggestions is presented in Appendix A.

Program Area	Very Good	Good	Average	Bad	Very Bad	Abstained from Vote
<i>Administration</i>	○	○○○				○
		X				
<i>Education / Technical Assistance</i>	○○○	○	○			
	X					
<i>Engineering / Capital Program</i>		○○		○		○○
			X			
<i>Enforcement & Regulation</i>	○○	○	○○			
		X				
<i>Maintenance</i>	○	○	○○	○		
		X				
<i>Monitoring</i>	○○	○	○○			
		X				
<i>Overall Program</i>		○ ○○○○				
		X				

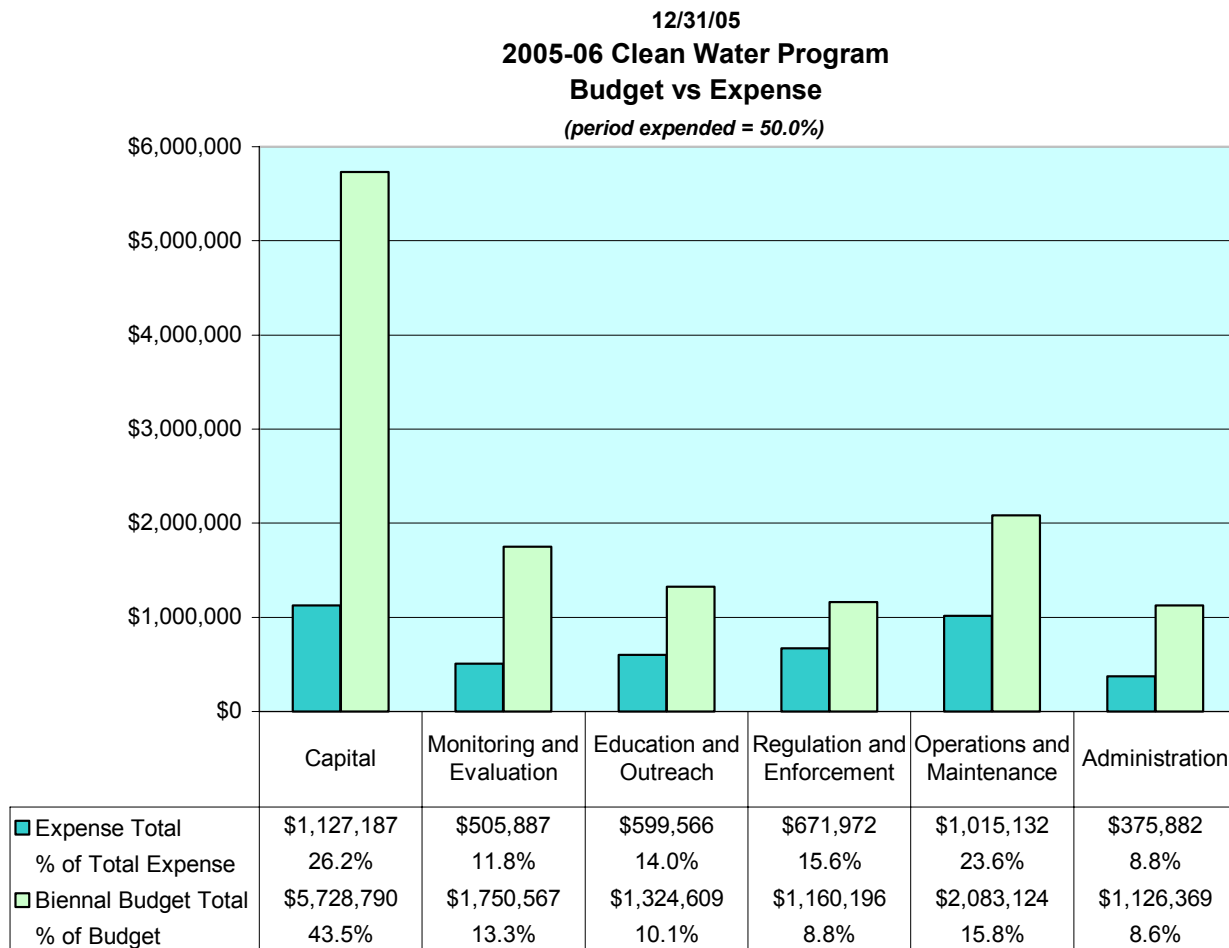
Legend

○ Individual Votes X Group Consensus

Table 1. Clean Water Program Effectiveness Scores for 2005

Summary of Clean Water Program Revenue

In 2005, the Clean Water Program received an initial biennial budget of \$10,342,120. This amount is slightly less than the 2003-04 Budget of \$10,354,796. With the identification of the \$3.87 million Curtin Creek Wetland Enhancement Area project and the \$700,000 199th Street/29th Avenue Stormwater Enhancement project, the program received a Supplement Appropriation of \$2.95 million in late December. This brought the 2005-06 budget to \$13,174 million.



Total Biennial Budget = \$13,173, 655
 Total Expense = \$4,295,626 (or 32.6%)
 Budget Remaining in 2006 = \$8,878,029

Figure 1. Summary of 2005 Annual Expenditures Compared to Biennial Budget

As shown in Figure 1, approximately 32.6% of the budget was expended at the end of 2005. Of the six categories, only expenditures for Regulation and Enforcement exceed 50% of its budgeted allocation. Expenditures for the other program activities were well within their budget levels mid-way through the biennium. One goal is to keep program administration and coordination below 10% of budget; it is currently at 8.8%.

Approximately \$8.88 million remains in 2006 for completing the above capital improvements and building future projects resulting from stormwater basin planning. It will also fund monitoring for illicit discharges, continued efforts to bolster public awareness and stewardship, maintenance and operations of stormwater facilities, and technical assistance and enforcement.

Figure 2 compares 2005 expenses with data from 2001 - 2004. The graph reflects billings for stormwater capital improvements and the cost of maintenance, monitoring, education, enforcement, and administration.

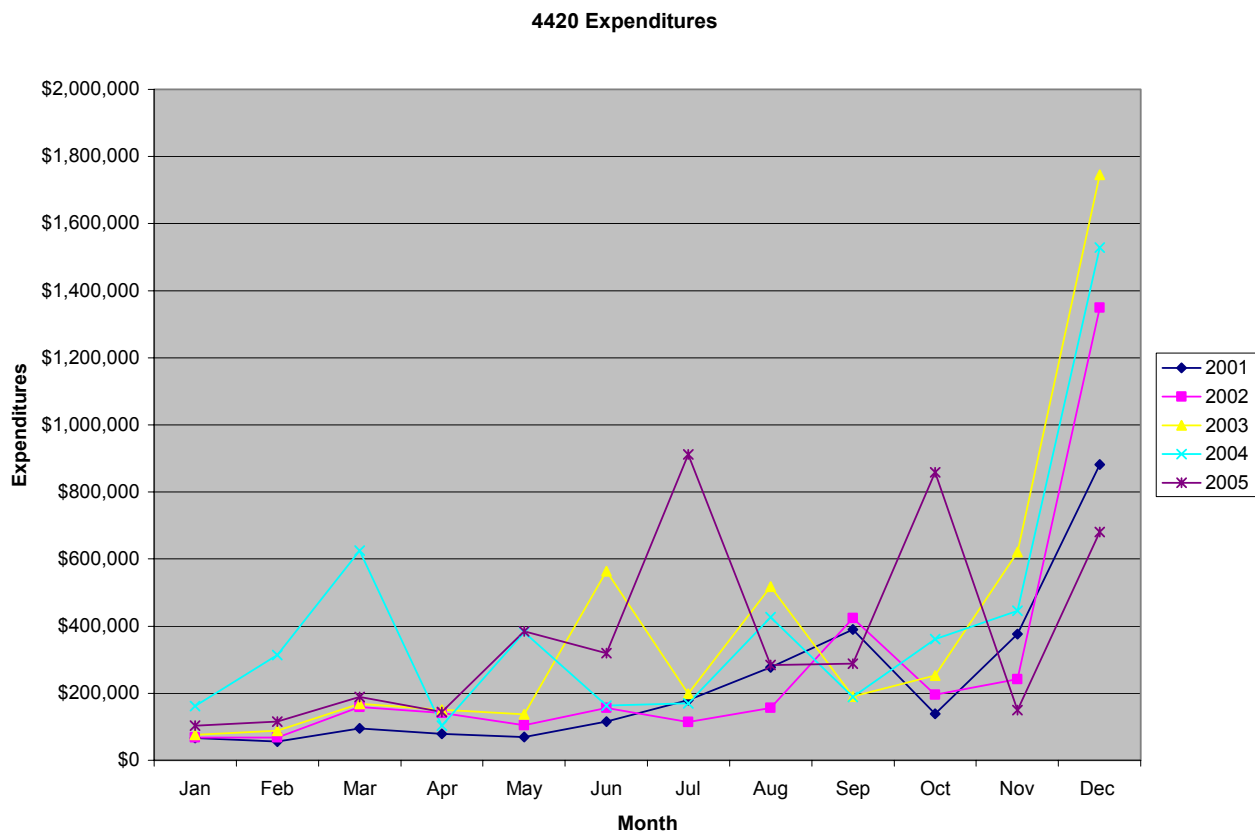


Figure 2. Comparison of 2005 Expenditures with Previous Years

Status of Incentive Program

The Clean Water Commission has concluded that incentives for the Clean Water Program Service Fee can only be addressed through education at this time. As stated in the Commission's 2005 annual meeting with the Board of County Commissioners, one incentive is to continue the Clean Water Program, including capital improvements and other work required by the NPDES permit, without increasing the fee. When faced with the possible loss of revenue from annexation, this task becomes formidable. However, the CWC will continue to discuss this issue and welcomes input from all sources.

Summary of Public Comments

Public comments arise from telephone calls and letters to the Clean Water Program staff, and public comments made at the Clean Water Commission Meetings. In the future the Commission intends to elicit additional comments from neighborhood associations and other public meetings and to include them in the meeting notes.

Clean Water Fee Correspondence

During the 15 weeks after the mailing of the Clean Water Program 2005 Service Fee, the County received forty-eight letters or e-mails and 311 calls or walk-ins. Staff made 5 site visits, 15 people requested information, 11 requested appeals, 6 submitted appeals, 1 appeal was approved, and 4 were denied. Appendix B illustrates the number and type of telephone calls received by the Clean Water Program.

The program received sixty-seven written communications, including emails, letters and notes. The majority of the written communications were short hand-written notes on the remittance slips.

Examples of notes on the remittance slips are:

- "This is not right!"
- "Let's read more about your activities"
- "Rip off!!"
- "What a shame"
- "How About Having Developers Pay These Fees? Too Much Asphalt in the County!"
- "How big is this beauracacy [sic] by now?"
- "Paying under protest!"

Comments sent by email include complaints of administrative difficulties, such as property sales not being recorded. One complained of a previous letter from the Treasurer's Office that indicated inaccurately that the property would never be assessed a Clean Water Fee.

Public Comments at Clean Water Commission Meetings

In 2005, two members of the public provided substantial comments for the Clean Water Commission's consideration. Mr. Tom McConathy informed the Commission of several issues he felt required attention. In addition, Mr. Alex Zimmerman made a presentation to the Commission regarding installation and maintenance issues of stormwater filter vault systems. Detailed accounts of each individual's comments were logged in the meeting minutes and are provided in Appendix C.

2006 Action Plan

Each year, the Clean Water Commission receives updates from County staff and provides feedback regarding budget issues and programmatic activities. It also presents an annual report to the BOCC that contains an overview of its work during the previous calendar year and recommendations for further improvement of the County's Clean Water Program.

In an effort to help guide other actions of the advisory group during 2006, the Clean Water Commission voted to focus on the following issues:

- **Participate in Selection and Ranking of Capital Improvements:** Select members to sit on the Stormwater Capital Improvement Program Involvement Team (SCIPIT), which will formulate criteria for selecting stormwater capital improvements and rank submitted projects.
- **Examine Water Resources Education & Outreach Program:** Continue working in subcommittee to learn more about and to provide a more comprehensive evaluation of the Water Resources Education & Outreach program.
- **Promote Low Impact Development:** Continue studying how low impact development could improve water quality in Clark County. Identify a developer/partner that is willing to build a model project using some of the techniques.
- **Research Stormwater Filter Vaults and other Stormwater Facilities:** Continue learning about stormwater filter vault systems, and educate stakeholders about the issues involved with their use. Learn about maintenance costs for all types of stormwater facilities.
- **Investigate the Impact of Septic Tanks:** Hear a presentation by the Clark Regional Wastewater District or by the Clark County Health Department on existing or potential water quality problems caused by septic tank systems.

Recommendations to the Board of County Commissioners

Given this information, the Clean Water Commission requests that the Board of County Commissioners consider the following items during the 2006 calendar year:

- Become informed about how low impact development (LID) facilities address stormwater issues. In addition, work with County staff to identify methods to encourage LID on public and private lands.
- When the new NPDES permit is finalized, provide direction to the Clean Water Commission on how to assist the County in addressing new provisions.
- Attend at least one Clean Water Commission in 2006 to share your priorities regarding clean water issues and to hear current issues this advisory board is addressing.

Appendix A

Program Evaluation: Areas of Strength & Improvement

CLARK COUNTY CLEAN WATER COMMISSION

Clean Water Program Evaluation Work Session Notes

Thursday, March 23, 2006
6:30 – 8:30 P.M.
Public Service Center, Conference Room 185
1300 Franklin Street, Vancouver

Clark County Clean Water Commission Members Present

Robert Even, Bill Owen, Patty Page, Art Stubbs, Ron Wilson

Clark County Clean Water Commission Members Absent

Tim Crawford, Susan Rasmussen, Virginia van Breemen

Clark County Staff

Trista Kobluskie, Earl Rowell, Rod Swanson, Jim Gladson - facilitator

Introduction

The Clean Water Commission is engaged in writing its 2005 Annual Report to the Board of County Commissioners. One section of the report will be entitled “Evaluation of Clean Water Program Effectiveness.”

Jim Gladson: The goal of the meeting is to create raw data for evaluating the Clean Water Program. Clean Water Commissioners will respond to a survey. The survey asks for a ranking and a listing of strengths and areas for improvement for each program element. Results will be compiled into written notes.

Bill Owen asked the Commissioners to make honest comments. Constructive criticism is good.

(Note: The table depicting the results of the 2005 evaluation was taken from this appendix and placed in the “Evaluation of Clean Water Program Effectiveness” section of the report.)

Administration

Strengths

- Very open and responsive staff
- Keeps on budget
- Low Admin costs
- Patience with Clean Water Commission members

Needs Improvement

- Use “exception reporting” (reporting on changes of status) instead of providing full reports (to the CWC)
- Expand existing coordination between work groups
- Revamp calculation of Clean Water Fee (as per 2003 internal audit recommendation)

Education / Technical Assistance

Strengths

- Good child and rural population programs
- Excellent Watershed Stewards program
- Programs are well-distributed throughout county and meet diverse needs
- Good involvement in regional programs
- Comprehensive suite of programs

Needs Improvement

- Lack of programs targeting adults and general population
- Difficulty evaluating success

Engineering / Capital Program

Strengths

- Uses industry-standard technology & computer models
- Ability to piggy-back on other projects / joint venture

Needs Improvement

- Lack of communication to public about projects
- Retention of staff
- Needs a more complete database of private & public stormwater assets
- Increase speed of watershed plan development
- Actively seek LID applications

Enforcement & Regulations

Strengths

- Focused on assistance and education rather than on punitive measures
- Well-organized for the number of development projects in progress

Needs Improvement

- Needs heavier fines
- Receiving some fine revenue from Ecology
- Department of Community Development should supply more timely invoices to Public Works
- Provide an annual report to improve coordination between Community Development and Public Works

Maintenance

Strengths

- Good use of resources
- Good vactoring, sweeping and ditch caretaking
- Good attitude toward the public, and helpful

Needs Improvement

- Education to Homeowner's Associations and to homeowners about maintenance of stormwater facilities
- Updated inventory
- Mechanism to assure that property-owners know their responsibilities when property changes hands
- Annual report to Clean Water Commission & Water Resources with suggestions to improve activities
- Standardize condition assessment of water quality facilities (ongoing)

Monitoring

Strengths

- Strong data collection program
- Excellent consistency of data collection (QC)
- Good number of staff
- Knowledgeable staff
- Good use of volunteers

Needs Improvement

- Identify useful & appropriate data
- Improve public access to water quality data
- Link behavioral changes to changes in water quality through monitoring data

- Provide appropriate information to other work groups to initiate other activities, projects, and areas of focus/concern

Overall Program

Strengths

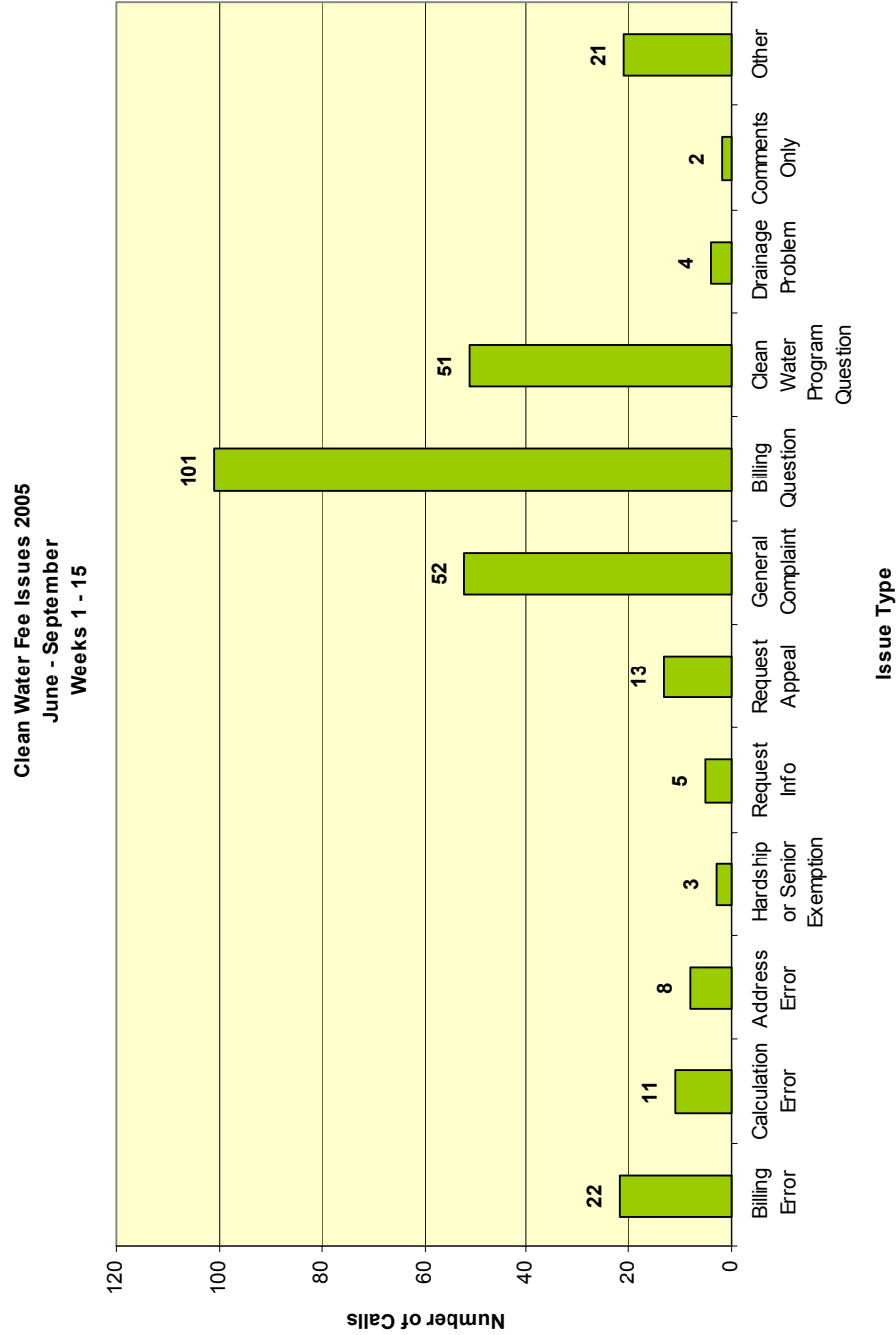
- Program built from scratch relatively quickly
- Trusted by elected officials
- Consistent compliance with NPDES
- Good budget management
- Dedicated staff
- Open & willing to listen to the public

Needs Improvement

- More funding (through grants and fee increase, if necessary)
- CWC meeting agendas have too many items
- More effective orientation for new Clean Water Commissioners

Appendix B

Public Telephone Responses to the Clean Water Fee



2005 Total Issues Recorded = 293

2004 Total Issues Recorded = 563

2003 Total Issues Recorded = 339

Appendix C

Log of Public Comments at Clean Water Commission Meetings in 2005

June 1, 2005 Meeting:

Mr. Thom McConathy urged Clark County Clean Water Commission to work with the City of Vancouver to ensure the City of Vancouver's compliance with their upcoming NPDES Phase II permit.

July 6, 2005 Meeting:

Mr. McConathy from Clark County Water Quality Resource Council made the first of three comments:

The Columbia River Fish Recovery Board met Tuesday with the Clark County Commissioners with regard to their recommendations by the Fish Board with regard to watershed improvements that are needed and commitments they are asking of Clark County. I think it would be very important for this Commission to speak with the Office of the Commissioners and to ask them to clarify their charge to you because these are major commitments that have not been within the purview of the Commissioners in the past, and I do not know which ones they would be assigning to you. Some of the elements within that had to do with limiting land divisions and ensuring the integrity of resource lands, the limiting of septic tanks on new properties within that area, and the monitoring of ground water and managing of ground water for water quality and for guaranteeing of minimum flows. These are all important matters that do relate to your charge, and I hope that you might make the appropriate changes within your charge. That is my first comment.

Mr. McConathy made his second comment about the Chevron car wash on NE 99th Street:

I made questions as per item #6 in the packet. The questions which I asked have not been answered and have been misdirected in a way that often happens when you go through 'he says she says' through multiple mouths, and my query had to do with the stormwater on this site. The stormwater is associated with process water. You see that there is 5 gallons for each car, which is not at this time...they are saying it is going into the air; it is also going onto the street. With it is being tracked surfactants. Surfactants are a major problem with regard to fisheries. Surfactants are more of a problem even than the nutrients, in many situations, with regard to salmonids. Many of those surfactants are going into drains that, I believe, onsite directly and perhaps directly immediately offsite are going into

county facilities. My query is the need to monitor for those surfactant levels, and there is a need because this is a pollutant that is going into a tributary of Salmon Creek, namely Suds Creek, through the county's facilities.

Mr. McConathy made his third comment:

Long range planning, according to page one headlines in the last two weeks, with regard to the massively demoted head of that group that was working with the Growth Management Plan, who was a Senior Planner that was moved from operations having to do with that to a new position having to do with the revision of all the environmental ordinances, presumably to comply with best available science and the Revised Western Stormwater Manual. Have you met with this staff member, and have you conveyed your needs with regard to your permitting responsibilities and the needs of changing those ordinances which he is working upon?

August 3, 2005 Meeting:

Mr. McConathy thanked Mr. Agard for his service on the Clean Water Commission. He requested that the Board of County Commissioners appoint an environmental advocate to fill the vacancy in order to attain a balance of viewpoints. Mr. McConathy contended that there is a preponderance of viewpoints from the business and development communities.

Ms. van Breemen indicated that she considers herself an environmental advocate.

Mr. Stubbs stated that the diversity of viewpoints is achieved through geographic representation. Mr. McConathy stated that the Clean Water Act requires diversity in areas of interest represented.

Mr. McConathy commented on packet Item 8, a memo to the Deputy Director of the Clark County Public Works Operations division. Mr. McConathy asserted that Clark County is accepting responsibility for the maintenance of private facilities without first performing a vigorous inspection.

Mr. Rowell stated that facilities are required to be brought up to current county standards before they are accepted.

Mr. McConathy stated that the yearly inspection of all private facilities should require them to come up to current standards.

Mr. Agard stated that facilities built to previous standards are legal as long as they continue to meet the standards under which they were built.

Mr. Stubbs questioned whether Clark County would become involved in lawsuits against Home Owners Associations that are not maintaining their private stormwater facilities.

Mr. Szwaya stated that the county has a count of stormwater facilities:

- 650-700 public facilities operated by the county
- 800-900 private facilities inspected annually by the county

Inspection records show that more than 90% of private stormwater facility owners get their facility up to par after an initial inspection. Mr. Szwaya noted that the Clean Water Program had paid for 2,900 unique inspections of private stormwater facilities since its inception in 2000. He described a four step process to identify and correct out of compliance private stormwater facilities:

1. Inspection
2. Education on standards (BMPs)
3. Follow-up with technical assistance
4. If improvements are not made, turn over case to Code Enforcement

Mr. Rowell noted that the next step is to meet with the Director of Public Works, to plan for minimizing the impact of these below-par facilities on the Clean Water Program.

Mr. McConathy, Mr. Agard, Mr. Stubbs and Mr. Szwaya discussed the lack of impact that Codes, Covenants & Restrictions (CC&Rs) make when property changes hands. Although the provision for private maintenance and upkeep of private stormwater facilities is made in the covenants that property buyers must read during the closing, many owners do not know of their responsibilities. Mr. Stubbs wondered if there is an educational opportunity here. Mr. McConathy wondered if a note could be appended to the title of the property.

Ms. Page stated that the “Frequently Asked Questions about the Clean Water Service Fee” on the county web site gives some misleading information about the mowing of bioswales, implying that the county is responsible for mowing all bioswales in the county, which is inaccurate.

Mr. Wilson indicated that he thinks most homeowners are ignorant of their responsibility to maintain the private stormwater facility in their subdivision. Mr. Szwaya agreed, noting that the worst problems occur in subdivisions that are seven to twelve years old where many of the original property owners have sold their parcels to new owners who are likely unaware of the purpose of the facilities.

Mr. McConathy reviewed his concern about the Chevron station car wash on NE 99th Street. He asserted that the surfactants released by the facility into the county stormwater system are a threat to salmon and aquatic ecology.

Mr. Rowell responded that the amount of water being released from the site into county stormwater system is negligible and that the filtration system prevents pollution from reaching the county system.

Mr. McConathy wanted to know if the county is testing the outflow in that area for surfactants. He stated that Suds creek pond is covered in algae and a black fungus that are associated with surfactant pollution and the problem appears to be increasing in that area.

Note: During the meeting, Mr. Schnabel spoke separately to Mr. McConathy, saying the county uses several water quality testing parameters to check for detergents, including pH, ammonia, and chlorine. Mr. Schnabel stated that if a sample exhibited unusual results, then staff would recheck the sample site and attempt to locate the cause of the water quality concern.

Presentation on Filtration Vault Systems

Mr. Alex Zimmerman made a presentation on filtration vault systems such as those manufactured by Stormwater Management Inc. of Portland, Oregon. Mr. Zimmerman is a contractor and consultant in the areas of erosion, stormwater and water treatment.

He presented photographs of filtration vault systems in various stages of their life cycles. He covered the following topics:

- Challenges for installation
- Challenges for maintenance
- Challenges for inspection
- Examples of incorrect usage

Mr. Szwaya commented that the challenges for inspection and maintenance of filtration vault systems are significant enough to warrant a separate section in the inventory of stormwater facilities in the county. The Department of Community Development predicts that in coming years, eight to ten systems per month will be turned over from private to public responsibility.

Mr. Wilson asked about access to the vault systems.

Mr. Stubbs questioned how we know that the filtration vault systems are actually cleaning the water. Mr. Szwaya responded that the county is currently assuming that water that passes through a filter is being cleaned to the standards specified by the manufacturer.

The group discussed how to keep on top of the challenges for use, maintenance, and inspection of stormwater filter vault systems.

November 1, 2005 Meeting:

Mr. McConathy made three comments:

1) He urged the Commission to recommend that filter vault systems be used as a last resort for stormwater treatment. He noted several problems with the systems, including sedimentation and maintenance expenses.

2) Mr. McConathy urged the Commission to recommend that the county use the best available science and follow the Stormwater Management Manual for Western Washington by avoiding

the use of regional stormwater facilities, such as the Curtin Creek capital project discussed at the October meeting. Mr. McConathy stated his opinion that regional facilities worsen or maintain poor water quality standards upstream by using natural drainage channels to convey polluted stormwater. Mr. Owen asked which part of the manual prohibits or discourages regional facilities. Mr. McConathy replied that the use of natural drainage ways, including Class 5 vernal streams, to convey stormwater is not acceptable under the previous or the newly revised manual.

3) Mr. McConathy asked to know the new assignments of each Commissioner as noted in the previous meeting notes. Mr. Stubbs responded that the Commission has yet to discuss the matter but will make the information available when it does.

December 1, 2005 Meeting:

Mr. McConathy made three comments.

1) The draft NPDES permit for Clark County is out. Mr. McConathy urged Commission members to read and become familiar with it, in order to become more effective in oversight and advocacy.

2) Mr. McConathy urged the Commission to ask staff to update the 2002 Pollution Analysis Report on the Water Resources web site. Mr. McConathy maintained that some problems were not included, such as persistent breaks of sewage mains in the Salmon Creek bottoms.

3) Mr. McConathy urged the Commission to address a lack of enforcement of the proposed TMDL in Salmon Creek. Velocity and pollutant levels at outfalls on Suds Creek and Cougar Creek are destroying related wetlands. The Shoreline Management Act prohibits the discharge of untreated stormwater to wetlands, which is occurring.